

Notice of Allowability

Application No.

09/888,073

Examiner

Shelley Self

Applicant(s)

KOBAYASHI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/16/06.
2. ☒ The allowed claim(s) is/are 3-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/16/06
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material 13
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2006 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on March 13, 2006 has been considered by the examiner.

Allowable Subject Matter

Claims 3-9 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or suggest a press machine comprising the following:

-a line between said first and second guide members passing through said press center and a rotation axis of said main gear and a rotation axis of said crank shaft are eccentric along a common centerline, whereby a speed of said slide is at a minimum at said bottom dead center and a maximum at said top dead center position thereby increasing a

pressing force at said bottom dead center position in combination with the rest of the claimed limitations as set forth in claims 3 and 9.

-only a first and second guide member on said press machine and a line between said first and said second guide member passing through said press center along a common centerline; said frame being continuous and symmetrical about said first centerline whereby said frame resists a rotational force during a pressing operation and eliminates an operation gapping risk in combination with the rest of the claimed limitations as set forth in claim 5.

The prior art of record, Imanishi discloses a press comprising: a press center on a slide, a drive mechanism holding section (i.e. the flywheel, connecting rod are encompassed within the frame), a drive means (fig. 1, element 4), a slide (fig. 1, element 20) and guide members (fig. 1, elements 15) symmetrical about a centerline, a press comprising a continuous frame symmetrical about press center, first and second slide members (fig. 1, element 23) a flywheel (fig. 1, element 6), a drive mechanism, a drive means having a crankshaft (fig. 1, element 8), a connecting rod (fig. 1, element 9); a crown member (fig. 1, element 2) and bed member (fig. 1, 1) joining first and second side members, a liner member/gibs/sleeve in first and second guide members (fig. 1, element 16A). Imanishi does not disclose or fairly suggest *a line between said first and second guide members passing through said press center and a rotation axis of said main gear and a rotation axis of said crank shaft are eccentric along a common centerline, whereby a speed of said slide is at a minimum at said bottom dead center and a maximum at said top dead center position thereby increasing a pressing force at said bottom dead center position or only a first and second guide member on said press machine and a line between said first and said second*

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guide member passing through said press center along a common centerline; said frame being continuous and symmetrical about said first centerline whereby said frame resists a rotational force during a pressing operation and eliminates an operation gapping risk. Imanishi does not disclose any speed differential between top and bottom dead center positions, further Imanishi discloses explicitly four columns (3) having slide guide members (12) on front and rear side surfaces of the slide (10) and guide members (13) in positions corresponding to the guide members (12) the slide guide members (12) and guide members (13) form an upper guide device (14). Additionally, Imanishi discloses four guide members (15) and sleeves (16) wherein each guide member (15, 16) is located at each corner of the slide (10). Although the deletion of structure is not necessarily patentable; the deletion of any of Imanishi's guide members (12, 13, 14) or guide post/sleeve (15, 16) such that only two guide members exist as set forth in claim 5, would destroy Imanishi's functionality. Further, Imanishi discloses that it is the upper guiding device (14) and guide member (15) at each corner of the slide (10) that prevent rotation of the slide (10) during operation, thus deletion, elimination or reduction of any of this guide structure to only a first and second, i.e. two guide members would prohibit Imanishi from operating in such a manner as to resist rotation and eliminate operation gapping risk as set forth in claims 3, 5 and 9. Accordingly, Imanishi fails to anticipate or render obvious the claimed invention as set forth in claims 3, 5, and 9.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 3, 5 and 9. Therefore, claims 3-9 are deemed allowable over the prior art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

April 13, 2006


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